



SmithAmundsen

Erin A. Walsh

Ewalsh@salawus.com

Direct Dial: (312) 894-3355

October 26, 2016

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 South Street, SW  
Washington, D.C. 20556

**Re: Withdrawal of Previously Filed by Petition of Cynosure, Inc. (ID  
1093059036482) CG Docket Nos. 02-278 and 05-338**

Dear Ms. Dortch:

Petitioner, Cynosure, Inc. ("Cynosure"), is hereby withdrawing the previously filed Petition of Cynosure, Inc. for a Rulemaking to Repeal Rule 64.1200(a)(4)(iv) and for a Declaratory Ruling to Interpret Rule 64.1200(a)(4)(iv), CG Docket Nos. 02-278 and 05-338. This document was filed on September 30, 2016 and currently bears the identification number 1093059036482. As noted, Cynosure wishes to withdraw this pleading for purposes of filing a substitute Petition.

To that end, contemporaneous with this correspondence, Cynosure has filed, or is filing, its substitute Petition, requesting a retroactive waiver of Section 64.1200(a)(4)(iv) of the Commission's Rules or, as alternative relief, a declaratory ruling to clarify: (a) the Rule applies to unsolicited advertisements, only; or, (b) the Rule's statutory basis is not 47 U.S.C. § 227 (b). In addition, for purposes of the instant proceeding, the law firm of SmithAmundsen, LLC will be substituting for WilmerHale as counsel for Cynosure.

Respectfully Submitted,

Erin A. Walsh